



## COMMITTEE STATEMENT

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### Statement in Opposition to Democrats' Amendment in Nature of a Substitute to H.R. 2062 of Rep. Joe Wilson (R-SC), Member, Education and Labor Committee,

#### Full Committee Markup:

**"H.R. 3110, Providing Urgent Maternal Protections for Nursing Mothers Act;  
H.R. 2062, Protecting Older Workers Against Discrimination Act"**

**May 27, 2021**

(As prepared for delivery)

*"Thank you Mr. Chairman, Committee Republicans believe that discrimination in any form is wrong and there should be equal opportunity for everyone. However, we also believe that laws should only change when there is compelling evidence that change is actually needed, and when it is beneficial to those it purports to help. Most frequently, enforcement of current laws negates the need for new laws.*

*"Unfortunately, the Democrats' Protecting Older Workers Against Discrimination Act and their Amendment in the Nature of a Substitute fall embarrassingly short of that standard. The bill and the Amendment in Nature of a Substitute are nothing but an invitation for lawsuit abuse.*

*"Ensuring that American workers, regardless of age, are protected and reasonably accommodated should be a responsibility we take seriously and thoughtfully. On H.R. 2062, the Committee Democrats did not even schedule a stand-alone hearing to gather information from experts on whether it is needed or workable.*

*"Democrats argue that the bill is necessary because after the Supreme Court's decision in the Gross case, workers have been discouraged from filing age discrimination charges and lawsuits. However, the one and only Democrat-invited witness we did get to hear from on this issue admitted that "it is difficult to*

*quantify the impact that the Gross decision has had on the number of older workers who bring cases, and the number of those who win them.”*

*“Moreover, we do know that age discrimination charges filed with Equal Employment Opportunity Commission (EEOC) as a percentage of all charges filed have remained steady for the 11 years before and after the Supreme Court issued the Gross decision. This fact undercuts one of the Democrats’ key arguments in favor of the bill.*

*“There has also been an uptick in retaliation charges filed with the EEOC since the Supreme Court’s decision in the Nassar case, indicating that, contrary to the Democrat talking point, employees have definitely not been discouraged from filing these charges since that case was decided.*

*“Additionally, if this bill passes, it will amend the Americans with Disabilities Act in a harmful way. As it stands now, an employer is supposed to work with an employee seeking an accommodation to determine an appropriate, reasonable accommodation.*

*“A flexible, interactive dialogue between an employer and an employee is the most effective way to determine an accommodation. If an agreement on a reasonable accommodation cannot be reached, under H.R. 2062 that alone may be enough for an employee to demonstrate discrimination. This will greatly harm the relationship between employees and their employers and prevent employees from receiving accommodations in a timely manner. To pass a bill that discourages dialogue between both parties is disruptive and counterproductive.*

*“Sadly, we are here today discussing costly, sweeping legislation that will overturn decades of Supreme Court precedent before we even know whether it is necessary or appropriate. What we do know, however, is that this bill will encourage more employees to file lawsuits that will not provide them monetary compensation or other significant remedies, while resulting in endless paydays legal abuses. This is a counterproductive way to legislate and a waste of time and resources.*

*“I urge all my colleagues to vote no on this amendment and no on the underlying bill.”*

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